

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSE JIMENEZ MORENO and MARIA
JOSE LOPEZ, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

JANET NAPOLITANO, Secretary of the
Department of Homeland Security (DHS);
JOHN MORTON, Director of U.S.
Immigration and Customs Enforcement (ICE);
DAVID C. PALMATIER, Unit Chief,
Law Enforcement Support Center (LESC);
RICARDO WONG, Chicago Field Office
Director, in their official capacities,

Defendants.

Case No. 1:11-cv-05452

Judge John Z. Lee

**JOINT MOTION TO UNSEAL PLAINTIFFS’
SUMMARY JUDGMENT DOCUMENTS**

Plaintiffs and Defendants (collectively “the Parties”) respectfully move this Honorable Court for the entry of an order unsealing Plaintiffs’ summary judgment documents. In support thereof, the Parties state as follows:

1. On December 15, 2015, this Court entered a minute entry granting Plaintiffs’ Motion for Leave to File Documents Provisionally Under Seal. *See* (ECF No. 196).
2. Plaintiffs provisionally filed under seal their Memorandum of Law in Support of their Motion for Summary Judgment; their Local Rule 56.1 Statement of Facts; and the 39 Exhibits in support of Plaintiffs’ motion for summary judgment. *See* (ECF Nos. 193, 195, 195-1–195-40).

3. In addition to moving the Court to provisionally file these documents under seal, Plaintiffs moved the Court to require Defendants to consent to the public filing of all the sealed documents or to justify the permanent sealing of particular documents in whole or in part. *See* (ECF No. 191).

4. The Court ordered Defendants to file a response to Plaintiffs' motion for leave to file documents provisionally under seal, setting forth the basis for Defendants' confidential designations of the documents at issue. *See* (ECF No. 196).

5. Defendants responded on January 12, 2016, explaining that all of Plaintiffs' summary judgment documents, including exhibits, could be unsealed, except for: Exhibits J, K, N, R, CC, DD, and II. *See* (ECF No. 206 at 5–10).

6. Thereafter, the Parties reached an agreement to publicly file redacted versions of nearly all of the remaining exhibits that Plaintiffs provisionally filed under seal.

7. On March 3, 2016, Plaintiffs filed an Unopposed Motion for leave to File a Reply Instater, outlining the agreement between the Parties to unseal redacted versions of nearly all of the provisionally sealed documents—with the exception of Exhibit J. *See* (ECF No. 222).

8. The parties further discussed the matter at the status hearing on October 7, 2016, and Plaintiffs are now in agreement with Defendants' proposed redactions to Exhibit J.

WHEREFORE, in accordance with the Court's instructions at the October 7, 2016 status hearing, the Parties respectfully request that the Court Order the unsealing and public filing of the following documents:

- A. Plaintiffs' Memorandum of Law in Support of their Motion for Summary Judgment;
- B. Plaintiffs' Local Rule 56.1 Statement of Facts;

C. Un-redacted versions of Exhibits A, B, C, D, E, F, G, H, I, L, M, O, P, Q, S, T, U, V, W, X, Y, Z, AA, BB, EE, FF, GG, HH, JJ, KK, LL, and MM; and

D. Redacted versions of Exhibits J, K, N, R, CC, DD, and II, which are attached hereto.

Dated: October 27, 2016

Respectfully submitted,

By: /s/ Linda T. Coberly
Attorney for Plaintiffs

By: /s/ Katherine E.M. Goettel
Attorney for Defendants

Linda T. Coberly
Lee B. Muench
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601
(312) 558-5600
LCoberly@winston.com
LMuench@winston.com

Mark M. Fleming
Charles Roth
Claudia Beatrice Valenzuela Rivas
NATIONAL IMMIGRANT JUSTICE CENTER
208 South LaSalle Street, Suite 1300
Chicago, Illinois 60604
Telephone: (312) 660-1370
Fax (312) 660-1505
mfleming@heartlandalliance.org
croth@heartlandalliance.org
cvalenzuela@heartlandalliance.org

Colin A. Kisor
William C. Silvis
Katherine E.M. Goettel
U.S. DPT. OF JUSTICE, CIVIL DIVISION
OFFICE OF IMMIGRATION LITIGATION,
DISTRICT COURT SECTION
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
Colin.Kiasor@usdoj.gov
William.Silvis@usdoj.gov
Kate.Goettel@usdoj.gov

Craig Arthur Oswald
UNITED STATES ATTORNEY'S OFFICE
NORTHERN DISTRICT OF ILLINOIS
219 South Dearborn Street, Suite 500
Chicago, Illinois 60604
Craig.Oswald@usdoj.gov

